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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,648	03/31/2005	Norbert Klinke	66383-039-5	1992
25769 7590 07/03/2008 DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005				
EXAMINER				
PILKINGTON, JAMES				
ART UNIT		PAPER NUMBER		
3682				
MAIL DATE		DELIVERY MODE		
07/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,648

Applicant(s)

KLINKE, NORBERT

Examiner

JAMES PILKINGTON

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

The request filed on 6/17/08 for a Continued Examination (RCE) is accepted and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-8, and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jensen, EP0662573, in view of Oldakowski, USP 4,246,991.

Re clm 1, Jensen discloses an actuator comprising:

- A reversible motor (2)
- A transmission (4)
- A spindle with threads (6), said spindle operatively connected to the transmission (4)
- A movable adjustment element (8) having threads in engagement with the threads of the spindle (6)
- A cylindrical part (18 or 28) which is fixedly mounted relative to the motor
- A coil spring (20) with the first end secured, said coil spring (20) being arranged on the cylindrical part (18 or 28) and with the direction of winding such that the spring exerts a braking effect on the adjustment element (8)

in one direction of movement thereof in that the spring (20) is tightened around the cylindrical part (18 or 28), said braking effect being adapted such that it may be overcome by the motor (2), the axis of the coil spring (20) arranged in alignment with an axis of the rotating element (spindle 6)

Jensen does not disclose that the first end of the coil spring is secured to a rotating element so that the spring is carried along in rotation on the cylindrical part which is static in relation to the rotating element.

Oldakowski teaches that a first end (at 37) of a coil spring (30) is secured to a rotating element (22) so that the spring is carried along in rotation with a cylindrical part (12) that is static in relation to the rotating element (22) for the purpose providing a wrapped spring mechanism which blocks back forces and resists torque being applied on the output shaft that is arranged coaxial with the drive element thus reducing the number of load carrying parts and interconnections required (C1/L58-C2/L16).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Turk and provide for the first end of the coil spring to be secured to a rotating element so that the spring is carried along in rotation on the cylindrical part which is static in relation to the rotating element, as taught by Oldakowski, for the purpose of providing a wrapped spring mechanism which blocks back forces and resists torque being applied on the output shaft that is arranged coaxial with the drive element thus reducing the number of load carrying parts and interconnections required.

Re clm 5, Jensen discloses that the cylindrical part (18 or 28) forms part of a bracket (casing 14) fixedly mounted on the front end of the motor (2).

Re clm 6, Jensen in view of Oldakowski discloses that the transmission comprises a worm drive with a worm (end of motor shaft of Jensen) and wherein the rotating element is a worm wheel (30 of Jensen Figure 3), said coil spring (20) having its one end connected to the worm wheel (Jensen in view of Oldakowski attaches the spring to worm wheel 30 of Jensen).

Re clm 7, Jensen in view of Oldakowski discloses that the coil spring (20) includes a radially outwardly bent end at its one end secured to the worm wheel (30, end of spring in Jensen and/or 37 of Oldakowski both show bent end attachments).

Re clm 8, Jensen in view of Oldakowski discloses that the attachment of the spring (20) includes an axially bent end (end of spring of Jensen and/or 37 of Oldakowski) at its one end secured in a hole in the worm wheel (30).

Re clm 10, Jensen discloses that the coil spring (20) is of metal, and that the wire forming the spring has a circular cross-section.

3. Re clms 2-4 and 9, Jensen in view of Oldakowski discloses the claimed invention as disclosed above. Jensen also discloses that cylindrical part (28) has a bushing (32) secured against rotation and Oldakowski also discloses that the cylindrical part (12) has axially-extending strips (spacers 37) that the spring is arranged on {clm 4} and a heat conducting shield (35, stationary hub for spring support which will conduct any heat generated by friction) around the spring (30) {clm 9}. Jensen in view of Oldakowski

does not disclose the use of metal and plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylindrical part out of metal and plastic and the shield out of metal to provide for improved heat absorption and wear resistance, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

4. Applicant's arguments filed 6/17/08 have been fully considered but they are not persuasive.

5. The Applicant is arguing the newly amended language which recites "a cylindrical part which is fixedly mounted relative to the motor." Specifically the Applicant argues on page 5 that the present invention is different from the prior art because the cylindrical part is static, fixed and immovable (L21-22).

The claim only requires that the cylindrical part be fixedly mounted relative to the motor, it is not claiming how it is fixedly mounted. The cylindrical parts of Jensen and Oldakowski are held in the same axial location within the housing and therefore are fixedly mounted relative to the motor. The cylindrical part being static, fixed and immovable (non-rotatable) is not recited in the claims as currently written.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P./

Examiner, Art Unit 3682

7/1/08

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/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3682